

Thursday, 22 August, 1946.

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan.

PROCEEDINGS IN CHAMBERS

On a motion on behalf of the
Prosecution for entry of an order that the Court
take judicial notice of certain events

and

On an application on behalf of
the Prosecution under Rule 6 b (1) pertaining to
certain documents of the International Prosecution
Section.

Before:

HON. SIR WILLIAM WEBB,
President of the Tribunal and
Member from the Commonwealth
of Australia.

Reported by:

John J. Smith
Official Court Reporter
IMTTE

Appearances:

For the Prosecution Section:

MR. FRANK S. TAVENNER, JR.
MR. G. OSMOND HYDE
MR. WORTH E. McKINNEY
MR. SOLIS HORWITZ

For the Defense Section:

MR. WILLIAM LOGAN, JR., Counsel for
the Accused KIDO, Koichi.

For the Office of the General Secretary, IMTFE:

MR. G. WALTER BOWMAN,
Clerk of the Court.
MR. C. A. MANTZ,
Deputy Clerk of the Court.

The proceedings were begun at 0900.

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THE PRESIDENT: This is Court Paper No. 363, a motion on behalf of the prosecution that the Court take judicial notice of certain events.

MR. LOGAN: We have no objection to the Court taking judicial notice of the events as set forth in the application, with the exception of Item 9. We believe that the construction of the judicial notice should be changed to conform with the supporting evidence in that on "February 4, 1938, Joachim von Ribbontrop replaced Constantin von Neurath as German Minister. Major changes in the German Army;" -- semi-colon -- "Chancellor Hitler assumed supreme command," as set forth by the prosecution.

THE PRESIDENT: The only change is in the semi-colon?

MR. LOGAN: Yes, and to have the words "were made" stricken out. We have no objection to the rest of it.

With respect to Schedule "B", we would like to have the balance of the document. We have one part consisting of five and one-half pages, and we would like to have the balance of the document.

Also Item 4, which consists of three pages. We would like the balance.

Outside of those three requests, we have no objection to the motion.

THE PRESIDENT: That carries out your meaning?

MR. LOGAN: Yes.

MR. TAVENNER: Your Honor, we feel there is no necessity for compelling us to process the whole Tokyo Gazette article. I think it is the first paragraph. It is in the middle of the article. If they desire to use it, they could produce it, but, to compel us to reprocess it, is a very disturbing thing to us.

MR. LOGAN: The prosecution can process the additional part, the same as other documents.

THE PRESIDENT: There are only three items?

MR. LOGAN: Yes. Those five and one-half pages, and the fourth three pages more.

I will also state that there is an additional typographical error. I refer to Item 5, which should be "March 7, 1936," instead of "1946." That is Item 5, Schedule "A".

THE PRESIDENT: Five and one-half pages does not mean very much additional matter to be reprocessed.

MR. TAVENNER: We took out the part that is marked there.

THE PRESIDENT: That is very little. We would want to read it. I feel inclined to go further. You also request three other pages?

MR. LOGAN: Yes, the same number of pages as the prosecution has processed. They processed three, and we are asking for three more pages, the same type of document.

(Mr. Tavenner hands the President a document).

MR. TAVENNER: There is the place that he speaks of (indicating). We copied the rest.

THE PRESIDENT: You want the whole of it?

MR. LOGAN: Yes.

THE PRESIDENT: The order will be made, as prayed for, with the amendments, alterations and additional matter, as requested by the defense.

MR. LOGAN: I would also like to call your attention the fact that I gave to Mr. Justice Mansfield three missing pages from KIDO's Diary. We have no objection to the excerpts, as set forth in the motion, but I have not yet received from the prosecution the missing pages which I gave to Mr. Justice Mansfield.

THE PRESIDENT: Can anybody else get them?

MR. HORWITZ: I think they are available. They must have been lost in the shuffle, but I will look it up.

(Whereupon, at 9:13, the proceeding
was concluded.)

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